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Letter dated 18 June 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 17 June 2001 from Mr. Tariq Aziz, Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq, concerning the ongoing consultations in the Security Council on the extension of the memorandum of understanding of 20 May 1996 and the attempts being made to deviate from the principles on which the humanitarian programme was established and transform it into an instrument of the United States policy of hostility towards Iraq.

The Minister expresses the hope that you will oppose attempts to use the extension of the humanitarian programme as a facade for securing the adoption of the United States and British schemes that seek to strengthen the embargo imposed on Iraq under the cover of the oil-for-food programme, and he states that Iraq will have nothing to do with any resolution adopted by the Security Council that incorporates the provisions of the United States and British draft, regardless of which country sponsors it.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammed **Al-Douri**
Ambassador
Permanent Representative

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Annex to the letter dated 18 June 2001 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

You no doubt well recall how the "oil-for-food" idea first emerged as a temporary measure to mitigate the human suffering of the people of Iraq until such time as the sanctions arbitrarily imposed on the country could be lifted, how the United States and the United Kingdom endeavoured to exploit this temporary expedient in order to impair Iraq's sovereignty, independence and territorial integrity and how they were able, because of their ascendancy in the Security Council, to impose the terms of resolution 986 (1995) of 14 April 1995 so as to diminish the role of the Government of Iraq in the implementation of the programme. Accordingly, Iraq refused to have anything to do with resolution 986 (1995). The Secretary-General of the United Nations then intervened as a mediator with a view to arriving at a formula that would meet Iraq's legitimate sovereign and economic concerns, and the Government of Iraq and the Secretariat of the United Nations entered into lengthy and complex negotiations that resulted in the signing of the memorandum of understanding on 20 May 1996, that is to say more than a year after resolution 986 (1995) had been adopted. The memorandum of understanding thus laid the legal and operational groundwork for the implementation of the oil-for-food programme in a manner that fully respected Iraq's sovereignty and territorial integrity, and its paragraph 3 stipulated that "Nothing in the present memorandum should be construed as infringing upon the sovereignty and territorial integrity of Iraq". On the basis of the memorandum of understanding, the implementation of phase I of the programme began in December 1996. In paragraph 2 of his interim report to the Security Council dated 25 November 1996 (S/1996/978), the Secretary-General summarized these developments as follows:

> "Pursuant to paragraph 13 of resolution 986 (1995), I began consultations with the Government of Iraq and informed the Council of them through a letter to the President on 1 June 1995 (S/1995/495). In further consultations, I obtained the agreement of the Government of Iraq to conduct formal negotiations on the implementation of resolution 986 (1995). Subsequently, I requested the Legal Counsel to lead the talks with the Government of Iraq. These resulted in the conclusion on 20 May 1996 of a memorandum of understanding between the Secretariat of the United Nations and the Government of Iraq (see S/1996/356). ... In a letter dated 23 May 1996 (S/1996/365) the President of the Security Council informed me that the members welcomed the conclusion of the memorandum of understanding and extended their congratulations on that achievement."

Thus the memorandum of understanding, with the approval and acclaim of the Security Council, became the legal and operational mechanism for the implementation of the oil-for-food programme. The memorandum of understanding took account of the possible need for modifications to be made to the distribution plan or to the scale of the programme. Its paragraph 11 states as follows:

> "After the plan becomes operational, each party to the present memorandum may suggest to the other for its consideration a modification to the plan if it believes that such adjustment would improve the equitable distribution of humanitarian supplies and their adequacy."

The memorandum of understanding thus affirms that the Government of Iraq and the Secretariat of the United Nations are responsible for making any eventual modification to the framework and mode of implementation of the programme.

I have narrated these events in order to stress the fact that the Secretary-General of the United Nations and the Government of Iraq are the two parties responsible for the implementation of the oil-for-food programme under the memorandum of understanding. It is now necessary to emphasize this fact because attempts are being made by the United States and the United Kingdom to violate the procedure that has been used for all nine phases of the programme, thereby constituting a precedent that is binding on the Secretariat. Obviously, these attempts are seeking to deviate from the principles on which the humanitarian programme has been based and from its objectives and to transform the programme into an instrument of the United States policy of hostility towards Iraq.

Security Council resolution 1352 (2001) of 1 June 2001 does two things that are incompatible with the basic facts presented above. It extends the oil-for-food programme for a period of only one month, in violation of the previous practice of extending it for a six-month period; and in its paragraph 2 (b) the Security Council expresses its intention to make radical changes in the concept of the programme and in the operating mechanisms that have been in effect for more than four years. Iraq has therefore refused to have anything to do with resolution 1352 (2001) for this basic reason, and it will refuse to have anything to do with any future resolution of the same nature. It would have been more appropriate for the Security Council to have consulted with the two parties that have been responsible for the implementation of the oil-for-food programme under the terms of the memorandum of understanding in all nine phases, namely the Government of Iraq and the Secretary-General. This did not happen, however.

In fact, I was surprised by your statements to the press at United Nations Headquarters on 4 June 2001, when you said that the Security Council was conducting a review of the oil-for-food programme, that it had not completed the review in the time required and that an automatic extension of the programme for one month had therefore been decided in order to provide an opportunity to complete the task the Council had begun and move on to the next stage.

You are not unaware of the fact that the task in which the Security Council is engaged and to which you referred is determined by the political counterbalances within the Council. The circumstances indicate that two powerful members of the Council are endeavouring to terminate the memorandum of understanding and the humanitarian programme and to replace them with a so-called regime of smart sanctions that would impose international tutelage on Iraq for decades to come, would prevent it from using its resources and would ultimately lead to a further deterioration in the humanitarian situation in Iraq.

We are hopeful that, in the light of your responsibilities and as we have indicated in the foregoing, you will oppose attempts to use the extension of the humanitarian programme as a facade for securing the adoption of the political schemes of the United States and the United Kingdom that seek to strengthen the embargo imposed on Iraq under the cover of the oil-for-food programme and thus exacerbate the predicament into which the United States and the United Kingdom have led the Security Council on the question of Iraq and from which you tried to extricate the Council during the first round of the comprehensive dialogue with Iraq.

I assure you that Iraq will have nothing to do with any resolution adopted by the Security Council that incorporates the provisions of the United States and British draft, regardless of which country sponsors it.

(*Signed*) Tariq **Aziz**
Deputy Prime Minister
Acting Minister for Foreign Affairs